

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-8, 10, 11, 13-15 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,284,066 to Philyaw et al. in view of U.S. Patent Application Publication No. 2006/0168623 to Khoo et al. The Examiner has further rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al. in view of Khoo et al., and further in view of U.S. Patent Application Publication No. 2002/0083440 to Dupuis et al. In addition, the Examiner has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al. in view of Khoo et al., and further in view of U.S. Patent 6,684,249 to Frerichs et al. Furthermore, the Examiner has rejected claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al. in view of Khoo et al., and further in view of U.S. Patent 6,100,941 to Dimitrova et al.

The Philyaw et al. patent discloses a method and apparatus for matching a user's use profile in commerce with a broadcast, in which a user's computer receives an advertiser's broadcast containing unique coded information, the user's computer connects to the advertiser using the unique code information, profile information of the user is sent to the advertiser, and the advertiser sends information to the user's computer based on the profile information.

The Khoo et al. publication discloses a method and system for providing a customized media list, in which a server, having a database of the entire content media in the content media and the entire advertising media to match the entire content media, receives the personalized data of a user, compares the personalized data with the database, creates a customized media list based on matching the personalized data to the entire content media and the entire advertising media, and transmits the customized media list to the user.

The Examiner has indicated that Philyaw et al. does not disclose the limitation "determining, for each of the commercials, whether the extracted descriptive information corresponds with the preference information." However, Khoo discloses (10033) that the system matches the advertising media content with personalized data to determine a customized advertisement as represented in Fig. 2".

Applicants submit that while Khoo et al. discloses matching the advertising media content with personalized data, there is no disclosure or suggestion of the limitations "extracting, at said user site, descriptive information from commercials in the data stream" and "determining, at said user site for each of the commercials, whether the extracted descriptive information corresponds with the preference information".

First, Applicants submit that while Philyaw et al. arguably discloses extracting descriptive information from the commercials at the user's site, Philyaw et al. neither discloses nor suggests "determining, at said user site for each of the

commercials, whether the extracted descriptive information corresponds with the preference information". In fact, there is no comparison of the extracted descriptive information and the preference information. Second, While Khoo et al. compares the preference information with the "entire content media" and "entire advertising media", there is no disclosure of comparing descriptive information extracted from received commercials with the preference information at the user's site.

Claim 9 includes the limitations "scanning the video stream to detect the commercials" and "wherein the extracting descriptive information step is performed for commercials detected in the scanning step".

The Dupuis et al. publication discloses an advertising extracting system which arguably detects commercials in a video stream and creates an ad database of the detected commercials. However, Applicants submit that Dupuis et al. does not supply that which is missing from Philyaw et al. and Khoo et al., i.e., "extracting, at said user site, descriptive information from commercials in the data stream" and "determining, at said user site for each of the commercials, whether the extracted descriptive information corresponds with the preference information".

Claim 12 includes the limitation "the obtaining preference information step comprises obtaining information identifying at least one music track".

The Frerichs et al. patent discloses a method and system for adding advertisements over streaming audio based upon a user profile over a world wide area network of computers.

The Examiner indicates that the above limitation is disclosed in Frerichs et al. at col. 9, lines 39-41 and 50-54.

Applicants submit that such a disclosure is questionable in that Frerichs et al. is not clear as to what is included in the user demographics. Further, Applicants submit that Frerichs et al. does not supply that which is missing from Philyaw et al. and Khoo et al., i.e., "extracting, at said user site, descriptive information from commercials in the data stream" and "determining, at said user site for each of the commercials, whether the extracted descriptive information corresponds with the preference information".

Claim 16 includes the limitation "the extracting text from the commercials comprises extracting text from closed captioned data of the commercials", while claim 17 includes the limitation "the extracting text from the commercials comprises converting an audio portion of the commercials to text".

The Dimitrova et al. patent discloses an apparatus and method for locating a commercial disposed within a video data stream, which includes identifying at least a portion of a commercial by comparing the text from closed caption information or from an audio-text processor with a bank of product and trade names. However, Applicants submit that Dimitrova et al. does not supply that which is missing from Philyaw et al. and Khoo et al.,

i.e., "extracting, at said user site, descriptive information from commercials in the data stream" and "determining, at said user site for each of the commercials, whether the extracted descriptive information corresponds with the preference information".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/  
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611